

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

Comcast of Southern New England, Inc.)	Case No.: 04-11241-RCL
)	
)	AFFIDAVIT OF MARK MONDALTO
Plaintiff,)	
)	
vs.)	
)	
Scott McAdam)	
)	
Defendant)	

Now comes the affiant, and makes this his sworn statement, under the pains and penalties of perjury, of his own personal knowledge.

1. My name is Mark Mondalto.
2. I am employed by Comcast as an Area Piracy Specialist.
3. I am familiar with the business records of Comcast associated with the Defendant, Scott McAdam.
4. I have been trained and I am familiar with the testing of converters/descramblers to determine if such devices have been modified to receive unauthorized interception of signals.
5. A particular converter/descrambler, bearing serial number CG79ACFCS, was issued by a predecessor in interest of Comcast to the Defendant on September 03, 1997;
6. Converter/descrambler CG79ACFCS was returned to a predecessor in interest of Comcast by the Defendant on June 08, 2001;
7. Shortly after Converter/descrambler CG79ACFCS (hereinafter the "device") was returned to the Plaintiff I tested the converter/descrambler CG79ACFCS and that test proved unequivocally that the device had been modified to allow for the unauthorized interception of all of the Plaintiffs premium channels and pay-per-view offerings;

8. During the approximately 45 months that the Defendant was in possession of the device he never ordered a single premium channel and never ordered a single pay-per-view event;
9. During the 45 month period that the Defendant was in possession of the device the cost of the Plaintiff's basic services varied slightly but the Defendant paid only the bare minimum monthly amount to the Plaintiff of approximately \$6.66;
10. An individual possession of a descrambling device would still need to purchase some cable television signals in order to allow signals to enter the home to thereafter be descrambled;
11. During the 45 months that the Defendant was in possession of the device the cost of and the number of premium channels offered by the Plaintiff varied but the approximate charge for purchasing all of the premium stations offered by the Plaintiff was \$80.00 per month.
12. During the 45 months that the Defendant was in possession of the device the costs of and the number of pay-per-view offerings from the Plaintiff varied but, by way of approximation, most movies cost \$1.99 or \$2.99, adult movies cost \$9.99 and special events, such as boxing, the cost \$30.00. The Pay-per-view movies were available on multiple channels, 24 hours a day and there was at least one special event per month.
13. During the period of time in question there were legitimate, legal paying customers of the Plaintiff paid as much as approximately \$200.00 a month for service which included premium channels and significant pay-per-view purchasing (especially adult pay-per-view purchasing).

Subscribed and sworn to, under the pains and penalties of perjury, this 23rd day of November, 2004.



Mark Mondalito
Area Piracy Specialist
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